

## Surface Mining Reclamation and Enforcement, Interior

## § 946.15

### § 946.12 State program provisions and amendments not approved.

(a) The following provisions are disapproved effective April 22, 1983: Paragraphs 3.01(a)(1), 3.01(a)(4) and 3.01 (a)(5) of the Virginia Coal Surface Mining and Reclamation Regulations for Operations Disturbing Two Surface Acres or Less.

(b) The following provisions of the coal surface mining reclamation regulations promulgated pursuant to Chapter 19, Title 45.1 of the Code of Virginia (1950), as submitted on November 8, 1985, as hereby disapproved:

(1) The definition of "affected area" in section 480-03-19.700.5 to the extent that it could be interpreted as excluding all public roads with more than incidental public use;

(2) Section 480-03-19.761.11(h), which prohibits mining on certain Federal lands, in its entirety; and

(c)(1) We are not approving the words, "or the UCP revision current at the time of issuance of the letter of credit," in the definition of "Collateral bond," paragraph (d), at 4 VAC 25-130-700.5; and

(2) We are not approving the words, "or revision current at the time of

issuance of the letter of credit" at 4 VAC 25-130-800.21(c)(1).

[50 FR 32851, Aug. 15, 1985, as amended at 51 FR 42554, Nov. 25, 1986; 52 FR 26973, July 17, 1987; 66 FR 43483, Aug. 20, 2001]

### § 946.13 State program provisions set aside.

(a) Paragraphs 3.01(a)(1), 3.01(a)(4) and 3.01(a)(5) of the Virginia Coal Surface Mining and Reclamation Regulations for Operations Disturbing Two Surface Acres or Less are inconsistent with and less effective than the Federal provisions for the two-acre exemption and are set aside in their entirety under the provisions of section 505(b) of the Surface Mining Control and Reclamation Act of 1977.

(b) [Reserved]

[50 FR 32851, Aug. 15, 1985]

### § 946.15 Approval of Virginia regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
January 28, 1982 .....	July 21, 1982 .....	Virginia's revised policy statement granting authority to field inspectors to issue cessation orders for imminent danger or harm.
July 9, 1982 .....	August 19, 1982 .....	VA Code § 33.1-246.1; V816.150, V817.150.
July 8, 1982 .....	September 21, 1982 .....	VA Code §§ 45.1-270.1 through .7; V808.15, V809, reference changes to remainder of Subchapter VJ.
August 13, 1982 .....	December 13, 1982 .....	VA Code § 45.1-235(C); conditions (a) through (j), (l) through (p), (s).
September 30, 1982 .....	January 18, 1983 .....	§ V809.
December 20, 1982 .....	February 28, 1983 .....	§ V809.11.
March 22, 1983 .....	April 21, 1983, June 6 and 20, 1983.	VA Code §§ 45.1-234, 240, 249, 251.
July 9, 1982 .....	April 22, 1983 .....	Chapter 23 of Title 45.
May 20, 1983 .....	December 27, 1983 .....	VA Code §§ 45.1-270.2 through .4; Part V809.
July 27, 1983 .....	March 16, 1984 .....	Coal haul road policy.
February 10, 1984 .....	May 8, 1984 .....	§ V786.19(o).
April 11, 1984 .....	August 2, 1984 .....	Subchapter VM Part V850—Blaster certification program; §§ V816/817.61(c); Chapter 230 of the 1984 Acts of Assembly; and all other items.
June 13, 1984 .....	August 31, 1984 .....	Chapter 590 of the 1984 Acts of Assembly to revise various Sections of Title 45.
February 20, 1985 .....	May 8, 1985 .....	VA Code §§ 45.1-244, 369.1.
May 1985 .....	August 15, 1985 .....	VA Code §§ 45.1-364, 364.1.
September 4, 1985 .....	November 18, 1985 .....	V700.5—definitions of "coal preparation or coal processing," "coal preparation plant".
November 8, 1985 .....	November 25, 1986 .....	VR 480-03-19: 700 through 850; techniques for measuring revegetation success; applications for a permit revision.
March 20, 1987 .....	July 17, 1987 .....	VR 480-03-19: 784.20(f)(2); 817.121(c)(2).
January 16, 1987 .....	August 17, 1987 .....	VR 480-03-19.801.13(a)(2), .17(a).

Original amendment submission date	Date of final publication	Citation/description
June 15, 1987, July 2, 1987.	December 31, 1987	VA Code §§ 45.1–270.3:1, .4, .5:1, .6B; VR 480–03–19.801.12(a).
September 1, 1987 ...	March 7, 1988 .....	VR 480–13–19.789.1(e); measurement techniques for determining ground cover on small areas; sampling techniques for measuring productivity of grazing land, pasture land, and crop land; VR 480–03–19: .843.15, .845.17(b), .18(b)(1).
September 10, 1987	June 16, 1988 .....	VR 480–03–19: 700.5 defining “abatement plan,” “actual improvement,” “base-line pollution load,” “best professional judgment,” “best technology,” “pollution abatement area;” 785.19; 825.
June 30, 1989 .....	December 1, 1989 ..	VR 480–03–19: 700.11; 764.15, 773.15; 779.19, .20; 780.14, .16; 783.19, .20; 784.20, .21; 785.14; 801.17; 816.97; 817.97; 840.11; 846, .2, .12; 846.14, .17, .18.
July 5, 1989 .....	February 2, 1990 ....	VA Code §§ 45.1–270.2, .3.
April 6, 1988 .....	February 5, 1990 ....	VR 480–03–19: 700.5; 772.12(b)(8)(iv); 773.12, .15(c)(11), (12); 779.12(b), .24(j); .780.31; 783.12(b), .24(j); 784.17; 785.13(b)(2), .14(c)(1), .16(a)(1); 800.52; 816/817.116(b)(3)(v)(C); 842.15(d); 843.12(j), .13(f); revegetation success standard.
August 31, 1990 .....	December 7, 1990 ..	VA Code § 45.1–270.4:1.
September 12, 1990	December 26, 1990	VR 480–03–19: 784.20; 817.121.
June 29, 1990 .....	January 4, 1991 .....	VR 480–03–19: 700.5; 773.15, .17, .20, .21; 778.13, .14; 843.11, .13.
April 5, 1991, May 1, 1991.	August 5, 1991 .....	VR 480–03–19: 801.11(a), .12(a), (b), (g), .14(a) through (d), .15(a); VA Code §§ 45.1–261.1, 270.3, .3:1, .4, .4:1.
October 1, 1990 .....	July 7, 1992 .....	VR 480–03–19: 700.5 definitions—“Road,” “Support Facilities,” .11(a), (4), (d); 701.11(a) through (c); 702.5 defining Exemption for Coal Extraction Incidental to the Extraction of Other Minerals, .11 through .18; 772.11(a), (b)(3), .12(a), (b)(3), (d), .14(a), (b); 773.11(a); 780.25(c), .37(a) through (e), .38; 784.16(c), .24(a) through (e), .30; 785.17(e)(5), .21(a); 800.60(b); 815.2, .15(b); 816.46(c)(2), .49(a)(1), (3)(i), (5), (8), (9), (b)(7), (c)(2), .84(b)(2), (f), .116(b)(3)(i), (ii), (iv)(C), (c)(2), .150(a) through .150(e), (f)(1), .151(a)(1), (2), (c), (d)(1), (2), (4), (5), (6); 817.46(c)(2), .49(a)(1), (3)(i), (5), (8), (9), (b)(7), (c)(2), .84(b)(2), (f), .116(b)(3)(i), (ii), (iv)(C), (v)(C), (c)(2), .150(a) through (e), (f)(1), .151(a), (c), (d)(1), (2), (4), (5), (6); 823.11(b), .12(c)(2), .14(d); 827.1; 843.11(a)(2).
May 6, 1993 .....	September 24, 1993	VA Code §§ 45.1–243, –258.
October 22, 1993 .....	September 27, 1994	VR 480–03–19.816/817: .49(a)(3)(ii), .116(b)(3)(v)(A), (c)(3), .151(b), .152.
October 31, 1994 .....	August 8, 1995 .....	VR 480–03–19.816/817.102(e)(1), (2).
October 13, 1995 .....	May 29, 1996 .....	VR 480–03–19.816.102(e), .817.102(e).
April 17, 1996 .....	August 19, 1996 .....	VA Code § 45.1–243B; VR 480–03–19.784.14(g); 817.41(i)(3), (i)(3)(i), (ii).
May 28, 1996 .....	September 4, 1996	VA 480–03–19.700.5 concerning definitions of “Lands eligible for remining,” “Un-anticipated event or condition;” 773.15(b)(4), (c)(14); 785.25; 816/817.116(c)(2)(i), (ii).
May 21, 1996 .....	September 17, 1997, and November 12, 1997.	VA Code §§ 480–03–19.700.5; 784.14, 20; 817.41, 121.
December 1, 1997 ....	June 24, 1998 .....	VA Code Sections 701.5; 779.22 [deletion], .25(k) [deletion]; 780.23, .25(a), (a)(2)(a)(3), (b), (c)(3), (f), 35(b); 783.25(k) [deletion]; 784.15, .16(a), (a)(2), (a)(3), (b), (c)(3), (f), .23(c); 800.40(a)(3); 816.46(a)(2), (b)(3), (b)(5), (c)(2), .49(a)(1), (a)(4)(i) & (ii), (5), (6), (9), (11), (c)(2), .74(a) through (g), .81(a), (c)(3) [deletion], .89(d) [deletion], .104, .105; 817.46(a)(2), (b)(3), (b)(5), (c)(2), .49(a)(1), (a)(4)(i) & (ii), (5), (6), (9), (11), (c)(2), .74(a) through (g), .81(a), (c)(3) [deletion], .89(d) [deletion]; 840.11(f)(2) & (g)(4), (h); 843.14(a)(2); 845.17(b) through (b)(2)(ii), .18(a), (b) through (b)(3)(ii), (d)(1) & (2), .19(a) and 846.17(b)(3) [deletion] and (c).
July 31, 1997 .....	May 3, 1999 .....	Code of Virginia at § 45.1–241(C) concerning letter of credit.
November 17, 1998 ..	December 13, 1999	Policy clarification for implementing 4 VAC 25–130–774.13(d).
August 2, 1999 .....	December 27, 1999	Statute: 45.1–235 C of the Code of Virginia. Regulations: 4 VAC 25–130–700.5; 795.1; 795.6(a)(2); 795.7(e)(2) [deleted], and (e)(5) [deleted]; 795.8(a) and (b); 795.9(a), (b)(1) through (b)(6); 795.10(a)(5), (b), (c) [deleted] and (d) [deleted]; 795.11(b); 795.12(a), (a)(2), (a)(3), (b) [deleted], and (c) [deleted].
November 24, 1998 ..	February 7, 2000 ....	Policy clarification for implementing 4 VAC 25–130–816/817.76.
June 27, 2000 .....	November 2, 2000 ..	4 VAC 25–130–784.20(a)(3) amended and suspended in part; 817.121(c)(4)(i) through (iv) suspended and deleted.
September 22, 2000	August 20, 2001 .....	4 VAC 25–130–700.5 (partial approval); 800.21(a), (c)(1) (partial approval), (2) and (3), and (d).

[62 FR 9956, Mar. 5, 1997, as amended at 62 FR 60660, Nov. 12, 1997; 63 FR 34286, June 24, 1998; 64 FR 23544, May 3, 1999; 64 FR 69402, Dec. 13, 1999; 64 FR 72280, Dec. 27, 1999; 65 FR 5784, Feb. 7, 2000; 65 FR 65782, Nov. 2, 2000; 66 FR 43483, Aug. 20, 2001]